

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKAnthony Malik Ellis AKA Ellis Malik
BXC# 8951400742
[REDACTED]RECEIVED
SDNY PRO SE OFFICE
2016 APR -5 AM 10:22

(In the space above enter the full name(s) of the plaintiff(s).)

AMENDED
COMPLAINTunder the Civil Rights Act,
42 U.S.C. § 1983

-against-

City of New York
CO Brown 4430
CO Prego 3613
~~CO Prego 3613~~Jury Trial: ☒ Yes ☐ No
(check one)

16 Civ. 702 (LAM)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED #: 4/5/16

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's

Name

ID#

Current Institution

Address

Anthony "Malik" Ellis
8951400742
NYC
15-05 Hazen Street
East Elmhurst NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

Where Currently Employed

Address

Brown Shield # 4430
GIRVC
09-09 Hazen Street
East Elmhurst NY 11370

Defendant No. 2

Name

Prego

Shield #

3613

Where Currently Employed

GRVC

Address

09-09 Hazen street
East Gilmara NY 11370

Defendant No. 3

Name

Shield #

Where Currently Employed

Address

Who did
what?

Defendant No. 4

Name

Shield #

Where Currently Employed

Address

Defendant No. 5

Name

Shield #

Where Currently Employed

Address

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?

GRVC

- B. Where in the institution did the events giving rise to your claim(s) occur?

In my cell and in the vestibule of 13 Building

- C. What date and approximate time did the events giving rise to your claim(s) occur?

ON the 20th and 21st of September.

- D. Facts:

See ATTACHED

What
happened
to you?

1. On The Date of 9/21/15 at approximately 8:30 CO Prego Shield 3613 Came to my cell and told me that Today at Rec. instead of going to the 3 point Search area he would conduct the search in my cell. He Requested that I strip in my cell I Complied.

2. An unidentified officer came to my cell and asked "Why are you Naked in your cell?" I Responded "prego just told me to strip Ask him I'm just following instructions to go out."

3. When He told Prego what I said By that time I was placing my hands in the Feeding Slot so I could Be cuffed and transported to Rec. officer prego slammed my hand in the Slot and told the officer "He's Dead he is not going to Rec. For a week"

4. I told the Captain who was walking And the Captain told me I would Be seen By medical and I was never seen By medical staff.

5. The Next Day while Being escorted to Rec. By an unidentified officer At 7:30 am I was Approached By CO Brown who grabbed me, by my neck and pulled me into An area with NO Camera View. She grabbed me while in the Area in front of the control Bubble, And pulled me to the Stairwell, out of Range of any security

cameras.

6. She then Grabbed my Genitals and Said "I want to see this Dick you keep telling every body to Suck?" She then fondled my Genitals and Said "Huh, Its Not even Big enough for me to Suck it."

7. I am suing for the Sexual misconduct of Officer Brown, And the Injuries caused. By Officer Prego to my Thumb which caused me Six months of Pain in my Thumb, and I'm suing the City for Not giving me proper medical treatment for my Thumb.

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I Received An Injury to my Left Thumb which Resulted in my hand making An injury to my ex-boy of my thumb and my left thumb in January and my left thumb was not normal and I experience pain to date. Also I Received mental anguish from Being sexually harassed and told my penis is too small to be sucked. I am suffering from pain and suffering and mental anguish.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

GRVC

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☒ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

I filed a grievance in GRVC And In OBCA

1. Which claim(s) in this complaint did you grieve?

All

2. What was the result, if any?

I Never Received a Response Back From the Grievance Resolution Committee on the Issues stated above.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

I Re-submitted the Grievances But I got NO Response from them.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

NP

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

NA

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I filed two grievances one on Prego and one on Brown due to the fact that I left the RHO housing unit on the 30th of September. I believe my grievance's never got answered because I never received any answer.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I am requesting monetary damages in an amount to be determined at the end of this suit, for sexual harassment and pain and suffering and mental anguish. For the conduct of Co Brown and the officer Prego slamming my hand in the slot and injuring my thumb. And mental anguish for the emotional scars of the actions of both officers.

On
these
claims

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☒ No ___

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

- D. 1. (A) Anthony Malik Ellis v City of New York et al
15 CV 09457 (BA)
(B) Anthony Malik Ellis v City of New York et al
15 CV 04121 (CAJN) (HBP)
(C) Anthony Malik Ellis v City of New York et al
15 CV 09030 (CM)
(D) Anthony Malik Ellis v City of New York et al
15 CV 09475 (FM)
(E) Anthony Malik Ellis v City of New York et al
15 CV 09531 (PGG)
(F) Anthony Malik Ellis v Saint Pierre Shield #1389 et al
15 CV 09845 (UA) * *

2. Federal District Court Southern District of New York

3. stated above

4. Stated above

5. November, October, and May 2015

6. Yes

7. Still waiting on Dispositions

* *(G) Anthony Malik Ellis v City of New York et al
16 CV 00702 (UA)

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

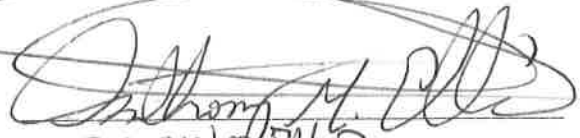
I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of March, 2016.

Signature of Plaintiff

Inmate Number

Institution Address


8951408742
NIC
15-15 Hazen Street
East Elmhurst NY 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

No 11K
00742
Plazen Street
mhurst, NY 11370

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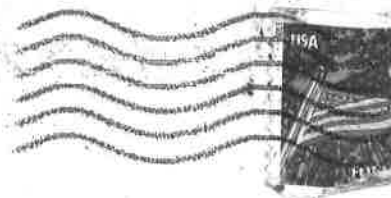
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